



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

FEB 23 2005

Michael K. Forde  
Mayer, Brown, Rowe & Mawe LLP  
190 South La Salle Street  
Chicago, IL 60603-3441

RE: MUR 5406  
Hynes for Senate and Jeffrey C. Wagner,  
in his official capacity as treasurer

Dear Mr. Forde:

On February 10, 2004, the Federal Election Commission (the "Commission") notified Hynes for Senate (the "Committee") and Jeffrey C. Wagner, in his official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Chapters 95 and 96 of Title 26, United States Code. On February 1, 2005, the Commission found, on the basis of the information in the complaint, and other available information, that there is no reason to believe that the Committee or Mr. Wagner, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a(f), 441b(a), 441e(a), or 441f.

The Commission did, however, find reason to believe that the Committee and Mr. Wagner, in his official capacity as treasurer, violated 11 C.F.R. § 110.3(d) by accepting funds from a candidate's committee for a nonfederal election and by failing to file accurate disclosure reports with the Commission in accordance with 2 U.S.C. § 434(b)(2). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file in this matter. The Factual and Legal Analysis, which formed a basis for the Commission's finding with respect to these violations, is enclosed for your information.

The Commission admonishes the Committee and Mr. Wagner, in his official capacity as treasurer, and instructs the Committee to amend its disclosure reports to reflect receipt of funds from a candidate's committee for a nonfederal election and disgorge the illegal contribution to the U.S. Treasury. The check, made payable to the U.S. Treasury, should reference MUR 5406 and be sent to the following address:

25044110692

Michael K. Forde  
MUR 5406  
Hynes for Senate and Jeffrey C. Wagner,  
in his official capacity as treasurer  
Page 2

Adam Schwartz  
Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

The Committee and Mr. Wagner, in his official capacity as treasurer, should also take steps to ensure that this activity does not occur in the future.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). A copy of the General Counsel's Report is also enclosed for your information.

If you have any questions, please contact Adam Schwartz, the attorney assigned to this matter at (202) 694-1650.

Sincerely,



Scott E. Thomas  
Chairman

Enclosures  
Factual and Legal Analysis  
General Counsel's Report

25044110693